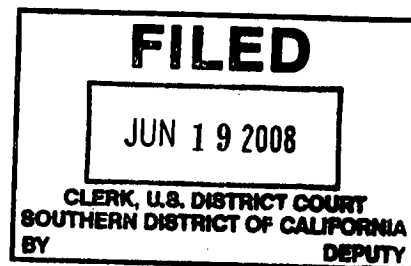


Anibal Silva  
P.O. Box 20732  
El Cajon, CA 92021



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NUNC PRO TUNC

JUN 12 2008

ANIBAL MESALA SILVA,  
Appellant

v.

JOSEPH GAETA, et al.  
Appellee.

Case No. 08-CV-00783-JM

**APPELLANT'S MOTION TO STAY  
OF PROCEEDINGS**

DATE: N/A

TIME: N/A

Hon. Jeffrey T. Miller

TO THE HONORABLE JUDGE MILLER, U.S. DISTRICT JUDGE:

COMES NOW Appellant, Anibal Mesala Silva, and pursuant to Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. Section 522, moves this court for an initial 90-day stay of proceedings plus a further stay of proceedings of 30 days, showing that his ability to continue with the appeal herein is materially affected by his military duties, as follows:

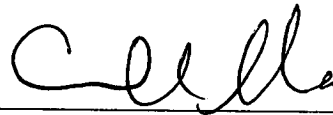
1. Appellant signed up for active military duty with the U.S. Army in the morning of June 11, 2008 for a period of 3 years and 13 weeks, and was instructed to stay at a hotel waiting to be flown to Military training in the morning of June 12, 2008.
2. Appellant will be attending Warrior Transition Course, which is an abbreviated version of Basic Training designed for Military Veterans going into the Army, for 4 weeks and AIT training for 7 weeks.
3. Appellant is not allowed to take any personal items with the exception of one change of clothing, 3 sets of underwear, one pair of comfortable shoes, and basic toilet articles.

CR

4. Appellant is materiality affected by his military duty in that he cannot be present for any hearings or cannot prepare and file any pleadings with the court during his Army training until such time, his military training is concluded on approximately September 21, 2008.

WHEREFORE Appellant prays that this court grant him a stay of proceedings until September 30, 2008.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Anibal Silva', written over a horizontal line.

Anibal Silva, Appellant pro se  
P.O. Box 20732  
El Cajon, CA 92021

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 11 day of June 2008, the above and foregoing APPELLANT'S MOTION TO STAY OF PROCEEDINGS was served by First Class Mail on the persons listed below as follows:

Beth A. Clukey, Attorney for Joseph Gaeta  
United States Attorney's Office  
880 Front Street, Room 6293  
San Diego, CA 92101

David R. Ortiz  
Office of the U.S. Trustee  
402 West Broadway, Suite 600  
San Diego, CA 92101

Haeji Hong  
Office of the U.S. Trustee  
402 West Broadway, Suite 600  
San Diego, CA 92101

James Kennedy, Chapter 7 Trustee  
P.O. Box 28459  
San Diego, CA 92198

I certify under penalty of perjury that the foregoing is true and correct.

Executed on

6/11/08



Anibal Silva  
P.O. Box 20732  
El Cajon, CA 92021